



December 6, 2016

Mr. Keith Boyea
514 2nd Street, SE Unit 3
Washington, DC 20003

Dear Mr. Boyea:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information ACT (FOIA) appeal (GSA-2016-000693), dated May 3, 2016. On March 18, 2016, you submitted GSA FOIA request (GSA-2016-000540), in which you request the following information:

"I would like all the contract, source selection, price negotiation, business clearance, determinations and findings, purchase request and any all decision and file documents related to contract number GSP0010CY0285. Additionally, based on the FPDS report for this order, it was a follow on to a previously competed order, I would like all documents related to that previously competed order as well."

On April 21, 2016, GSA replied to your FOIA request stating that "the agency could not locate any records within the scope of your request. GSA's letter informed you of your right to appeal the adequacy of our search within 120 days. GSA's letter stated that your appeal must be in writing and should contain a brief statement of the reason(s) why you believe GSA should have the requested information."

On May 3, 2016, you appealed the adequacy of GSA's search, stating:

"Contract and related records or documents require a retention of six years. This contract, as evidenced by the Federal Procurement Database (FPDS) report that was attached to my original FOIA request and to this letter, shows that this contract was awarded on 30 September 2010 in the amount of \$256,515. As a result, the contract file should be available and retained until at least 30 September 2016. See Federal Acquisition Regulation 4.805(c). The contract is related to a controversial GSA conference that occurred in or about October 2010. This conference was the subject of the attached Inspector General (OIG) report (112H4154). This contract should be available as evidence related to that OIG investigation."

GSA denies that its search was inadequate and maintains that the mere fact that contract GSP0010CY0285 could not be located is not indicative of an inadequate search. GSA initially made a good faith effort and conducted a search for the requested contract by using methods, which could reasonably have been expected to produce the information requested. In

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consideration of your appeal, GSA made a second attempt to locate responsive contract and still cannot locate the file.

This letter constitutes GSA's final determination regarding this matter. You have the right to seek judicial review of this determination in the United States District Court in the District in which you reside, have your principal place of business, or in the District of Columbia, or where the records are located.

As an alternative to litigation, the Office of Government Information Services (OGIS) has been created under the 2007 FOIA amendments. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS by mail at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, Room 2501, College Park, MD 20740, via e-mail at ogis@nara.gov or by phone at (877) 684-6448.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cynthia A. Metzler", is written over the typed name and title.

Cynthia A. Metzler
Chief FOIA Officer